

PART I: Background and major findings of the report	1
OVERVIEW	1
1. BACKGROUND	3
1.1 The Culture of Impunity in Kenya	3
1.2 Corruption and Human Rights Violations: A Conceptual Framework	4
2. MAJOR FINDINGS AND RECOMMENDATIONS	6
2.1 Findings	6
2.1.1 Relationship Between Human Rights and Corruption	6
2.1.2 The Silent Sufferers: Victims of Grand Corruption, Human Rights Violations and Impunity in Kenya	7
2.1.3 Plethora of Reports and Information on Past injustices	9
2.1.5 Multiple Initiatives to Deal with the Same Violations	9
2.1.6 The Role of the Judiciary in Achieving Accountability	10
2.1.7 The Key Perpetrators and Abettors of Impunity	10
2.1.8 Multiplicity of Culpability	10
2.1.9 Attempts at Accountability and Integrity	10
2.1.10 Claims of Tribal and Political Witch Hunting	12
2.1.11 The Culture of Conspiracy and In-action	13
2.1.12 Parliament's Double Standards Towards impunity	14
2.1.13 Doubtful Credibility of some Truth Initiatives and their reports	14
2.1.14 Failure to Release Reports to the Public	14
2.1.15 On-going Cases	15
2.2 Recommendations	15
2.2.1 Investigations and Accountability	15
2.2.2 The Institutional Frameworks on Human Rights and Corruption	16
2.2.3 Parliamentary Accountability	16
2.2.4 Civic Vigilance and Engagement	16
2.2.5 Publicization and Implementation of Official Reports	16
2.2.6 Enactment of the Freedom of Information Law	17
2.2.7 Possible Legal Action against the State's Inability to Release the Reports to the Public	18

PART II: ABOUT THE RESEARCH PROJECT AND DETAILED FINDINGS OF THE REPORT	19
3. ABOUT THE REVIEW OF OFFICIAL REPORTS PROJECT	19
3.1 Problem Statement	19
3.2 Expected Results of the Project	19
3.2.1 Goal	19
3.2.2 Objectives	19
3.3 National Human Rights and Anti-Corruption Instruments relevant for Anti-Impunity and Public Accountability Initiatives	20
3.3.1 The National Accord and Reconciliation Act (No. 4 of 2008)	20
3.3.2 The Constitution of Kenya 2010 (CoK 2010)	20
3.3.3 Draft National Human Rights Policy (2010)	20
3.3.4 Public Officers Ethics Act 2003 (Chapter 183, Laws of Kenya)	21
3.3.5 Anti-Corruption and Economic Crimes Act 2003 (Chapter 65)	21
3.3.6 Truth, Justice and Reconciliation Act (No. 6 of 2008)	21
3.3.7 Other National Instruments	22
3.4 International Human Rights and Anti-Corruption Instruments	22
3.4.1 Universal Declaration on Human Rights (UDHR - 1948)	22
3.4.2 International Covenant on Civil and Political Rights (ICCPR-1966)	23
3.4.3 Basic Principles and Guidelines on the Right to a Remedy and Reparation (2005)	23
3.4.4 International Covenant on Economic, Social and Cultural Rights (ICESCR-1966)	23
3.4.5 The Rome Statute	23
3.4.6 United Nations Convention Against Corruption (UNGAC-2003)	23
3.4.7 The African Charter on Human and Peoples Rights (ACHPR/Banjul Charter)	23
3.4.8 African Union Convention on Preventing and Combating Corruption (AUCPAC)	23
4. SYNOPSIS OF REPORTS REVIEWED	25
4.1 The Report by the Parliamentary Select Committee to Investigate Ethnic Clashes in Western and other parts of Kenya 1992 (Kiliku Report)	25
4.2 Report of the Judicial Commission Appointed to Inquire into Tribal Clashes in Kenya (The Akiwumi Report)	25
4.3 Kenya National Commission on Human Rights Report into the 2007-2008 Post Election Violence	26
4.4 Inquest into the Death of Fr. Antony John Kaiser (Deceased)	27
4.5 The Judicial Commission of inquiry into the Illegal and Irregular	

	Allocation of Public Land (The Ndung'u Report)	29
4.6	Report of the Judicial Commission of Inquiry Report into the Goldenberg Affair (The Goldenberg Report)	30
4.8	The Maize Scandal Report	31
4.9	The Special Audit Report by the Controller and Auditor General on the Purchase of Land for A Cemetery	32
4.12	Report by the Parliamentary Committee on the Artur Brothers	33
4.13	The Report by the Parliamentary Committee Investigating the Murder of Dr. Robert Ouko (Gor Sunguh Committee Report)	34
5.	Confronting impunity	38
5.1	Schedule of Implicated Personalities and Recommended Action	39